

REMARKS

The above-referenced patent application has been reviewed in light of the Office Action, dated **October 6, 2005** (“the Action”) in which claims 1-27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 4, 13 and 19 are rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1, 4, 13, 14, 20 and 21 of Bottom (US Patent No. 6,950,895 – “Bottom ’895”). Also, claims 1-27 are rejected under 35 U.S.C. § 102(e) as being anticipated by Jackson et al. (US Patent 6,452,809 – “Jackson”). In response, Applicants have amended some claims to address a portion of the 35 U.S.C. § 112, second paragraph rejections and respectfully disagree with other rejections in the Action.

Current Status of Claims:

With this amendment, claims 1-27 remain pending. Claims 1-27 are amended as presented above. Support for these amendments can be found in the application. No new matter has been introduced.

Claim Rejections:

Rejections under 35 U.S.C. § 112:

On page 2, paragraph 3, of the Action claims 1, 8 12, 16, 19 and 22 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Amendments to these claims have resulted in removal of the term “adapted to.” Thus, Applicants request that the 35 U.S.C. § 112, second paragraph rejection of claims 1, 8 12, 16, 19 and 22 be withdrawn.

Claims 6 and 15 have been amended to address a lack antecedent basis for “storage medium.” Thus, Applicants request that the 35 U.S.C. § 112, second paragraph rejection of claims 6 and 15 be withdrawn.

On page 2 and 3, paragraph 5 of the Action, a number of claims are rejected as indefinite. These claims include claims 5, 14 and 20 for use of the word “CompactPCI” and claims 10, 18 and 27 for use of the word “Ethernet.” Applicants respectfully disagree with Examiner’s statement that since these words refer to technical standards that are subject to change they are indefinite. See Action, page 6.

If the scope of the claimed subject matter can be determined by one having ordinary skill in the art, an indefinite rejection under 35 U.S.C. § 112, second paragraph is not appropriate. See MPEP § 706.03(d). Applicants submit that citing a technical standard actually makes the scope of the claim more definite to one having ordinary skill in the art, regardless to whether the technical standard is subject to change. Technical standards are generally well-known, well-defined and provide clear guidance to one having ordinary skill in the art to determine how compliant systems operate. Accordingly, technical standards subject to change do not make the claims indefinite. Thus, Applicants request that the 35 U.S.C. § 112, second paragraph rejection of claims 5, 10, 14, 18, 20 and 27 be withdrawn.

Rejections under 35 U.S.C. § 101:

On page 3 of the Action, claims 4, 13 and 19 are rejected under 35 U.S.C. § 101 as claiming the same invention as claims 1, 4, 13, 14, 20, and 21 of Bottom '895. Applicants respectfully disagree.

Claim 19, as currently amended, states:

“A modular server system comprising:
a midplane having...a plurality of blade interfaces...;
a server blade inserted into one of the plurality of blade interfaces...;
a media blade inserted into one of the plurality of blade interfaces...;
a second server blade...;
a second media blade...;
at least two switch blades..., wherein the at least two switch blades are inserted into one blade interface on the midplane....”

Emphasis added.

Claims 1, 4, 13, 14, 20 and 21 of Bottom '895 do not include the claim 19 elements of Applicants' application as emphasized above. Both claim 1 and claim 12 include similar elements as the claim 19 emphasized elements. Claim 4 depends from claim 1 and claim 13 depends from claim 12. As a result, claims 4, 13 and 19 are not identical in scope to claims 1, 4, 13, 14, 20 and 21 of Bottom '895. Thus, Applicants request that the 35 U.S.C. § 101 double patenting rejection of claims 4, 13 and 19 be withdrawn.

Rejections under 35 U.S.C. § 102:

On page 4 of the Action, claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Jackson.

Claim 1, as currently amended, states:

“A modular server system comprising:
a midplane having...a plurality of blade interfaces...;
a server blade inserted into one of the plurality of blade
interfaces...; and
a plurality of switch blades..., wherein the plurality of
switch blades are inserted into one of the plurality of blade
interfaces on the midplane.”

Emphasis added.

Jackson fails to describe the elements cited and emphasized in claim 1 above. Jackson discloses a cabinet that accommodates engine blades in a sub-chassis, as well as rack mounted network switches and disk drives. See col. 5, lines 1 - 4. Jackson also discloses that the cabinet includes interface cards to manage input/output (I/O) communications for processors on the engine blades with communication switches. See col. 7, lines 20 – 27. These two references to network switches are the only references in Jackson to network or communication switches. Consequently, Jackson does not disclose a plurality of switch blades inserted into one of the plurality of blade interfaces on the midplane. See claim 1. Thus, Applicants request that the 35 U.S.C. § 102(e) rejection of claim 1 be withdrawn.

Independent claims 12 and 19 also include elements similar to a plurality of switch blades into one of the plurality of blade interfaces on the midplane as emphasized in claim 1 above. Also, claims 2-11, 13-18 and 20-27 depend from one of independent claims 1, 12 and 19. Thus, Applicants request that the 35 U.S.C. § 102(e) rejections of claims 2-27 also be withdrawn.

Conclusion

Applicants respectfully submit that claims 1-27 are in condition for allowance and such action is earnestly solicited. *The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.*

Please charge any shortages and credit any overcharges to our Deposit Account number 50-0221.

Respectfully submitted,
Bottom et al.

Date: December 30, 2005

by: /s/Ted A. Crawford/Reg. No. 50,610/
Ted A. Crawford, Reg. No. 50,610
Patent Attorney for Assignee Intel Corporation

Intel Corporation
PO Box 5326
SC4-202
Santa Clara, CA 95056-5326
Tel. (503) 712.2799